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HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. (S) No. 3982 of 2005

Petitioner		S. N. Jha, Assistant Professor, Commerce, Govt. Girls College, Durg.
	Versus	
Respondents	1.	State of Chhattisgarh, Minister of Higher Education, through – Secretary Higher Education, D. K. Bhawan, Raipur.
	2.	Commissioner, Higher Education, Science College Campus – Raipur.
	3.	Avar Sachiv, Ucch Shiksha Vibhag, D. K. Bhawan, Raipur (C.G.)

SB: Hon'ble Mr. Justice Satish K. Agnihotri, J

Shri A. K. Jha, Advocate for the petitioner.
Shri Sushil Dubey, Govt. Advocate for the respondents/State.

ORDER

(Passed on this 16th day of March, 2007)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. The petitioner while working as Assistant Professor at Govt. Girls College, Durg, District- Durg was transferred to Govt. College, Dalli Rajhara, on the same terms and conditions, vide impugned order dated 24.9.2001 (Annexure A/1).
2. No interim relief was granted to the petitioner since he had already been relieved.
3. Be that as it may, with the passage of time this petition has become infructuous as period of transfer is not applicable forever. At this point of time there is no question to examine the validity of the transfer order.
4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted, keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere with the transfer matter and this Court can entertain judicial review only

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in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.

5. In view of the above, this petition is dismissed, as having become infructuous. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Amit